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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

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RICKEY ARCHANGEL,

Civil No. 13-CV-1201 BEN (RBB)

vs.

Petitioner,

**ORDER DENYING MOTION FOR
APPOINTMENT OF COUNSEL**

[Docket No. 2]

STATE OF CALIFORNIA,

Respondent.

This matter is before the Court on Plaintiff's Motion to Appoint Counsel pursuant to the 1964 Civil Rights Act, 42 U.S.C. 2000e-5(f)(1). (Docket No. 2.) For the reasons stated below, the Court **DENIES** the motion without prejudice.

Plaintiff does not have a constitutional right to appointed counsel in an employment discrimination case. *Ivey v. Bd. of Regents of Univ. of Alaska*, 673 F.2d 266, 269 (9th Cir. 1982). However, the 1964 Civil Rights Act does provide for appointment of counsel "in such circumstances as the court may deem just."

1 *Bradshaw v. Zoological Soc. of San Diego*, 662 F.2d 1301, 1318 (9th Cir. 1981).
2 Factors relevant to the determination of whether appointment of counsel is warranted
3 are: “(1) the plaintiff’s financial resources, (2) the efforts made by the plaintiff to
4 secure counsel, and (3) whether the plaintiff’s claim has merit.” *Bradshaw*, 662 F.2d
5 at 1318 (citing *Caston v. Sears, Roebuck & Co.*, 556 F.2d 1305, 1308-10 (5th Cir.
6 1977)). “The plaintiff has the burden of proof and must meet all three factors.”
7 *Reddy v. Precyse Solutions LLC*, 12-CV-2061, 2013 WL 2603413, at *1 (E.D. Cal.
8 June 11, 2013).

9 **1. Financial Resources**

10 Plaintiff fails to show that he lack the financial resources to hire counsel.
11 Plaintiff indicates that he earns \$7,800 per month and that his wife earns \$4,600 per
12 month. Plaintiff owns two vehicles and has \$7,000 in savings. Plaintiff paid \$400 to
13 commence this action. Based on that information, the Court is not persuaded that
14 Plaintiff cannot afford counsel.

15 **2. Efforts to Secure Counsel**

16 Plaintiff contends that he has used “several” attorney referrals and attorney call
17 centers. He lists three attorneys whom he contacted over a three day period and states
18 that none would take his case. From Plaintiff’s declaration, however, it is not clear
19 what arrangements were discussed or whether these attorneys handle employment
20 discrimination cases. Indeed, one apparently declined because it was “not in line with
21 her practice.” (Mot. for Appointment of Counsel at 3.) The others refused because
22 the “state does not pay enough for this type of case” and because “[he] would not
23 make enough money to pay his bills.” (*Id.*) Although Plaintiff is not expected to
24 “exhaust the legal directory,” *Bradshaw*, 662 F.2d at 1319, he is expected to make a
25 reasonably diligent effort to obtain counsel. Based on the information provided, the
26 Court is not persuaded he has done so.

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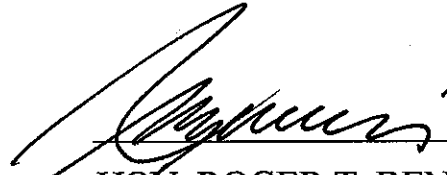
1 **3. Merits of the Case**

2 In his motion for appointment of counsel, Plaintiff presents no argument that
3 his claim is meritorious; he simply declares that it is. Plaintiff's complaint, including
4 attachments, is 217 pages long. The gist is that his employer, the State of California,
5 violated Title VII of the Civil Rights Act by retaliating against him for filing a sexual
6 harassment complaint. The Equal Employment Opportunity Commission ("EEOC")
7 was "unable to conclude the information obtained establishes violations of statute."
8 (Compl, Ex. A, ECF No. 1-1.) At this juncture, the Court is not convinced that
9 Plaintiff's claims are sufficiently meritorious to warrant the appointment of counsel.

10 As Plaintiff fails to satisfy the *Bradshaw* factors, his motion for appointment of
11 counsel is **DENIED** without prejudice.

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13 **IT IS SO ORDERED.**

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15 DATED: July 15, 2013

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17 HON. ROGER T. BENITEZ
18 United States District Court Judge
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